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Text of Proposition

Arguments

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Record: 341

Proposition 2

#

Title **CHIROPRACTORS**

Year **1939**

Proposition initiative
type

Popular Yes: 801,173 (29.7%); No: 1,894,764 (70.3%)
vote

Pass/Fail Fail

Summary

Amends title and certain sections of Chiropractic **Act**; provides secretary of Chiropractic Board shall devote full time to duties and increases his salary; increases powers of board; increases educational requirements of applicant for license; permits licensees to diagnose and treat diseases, injuries, deformities or other physical or mental conditions of human beings, without using drugs or severing any tissues of human body; specifies grounds of and proceedings for suspension or revocation of license; specifies annual renewal license fee and method of reinstating forfeited license; declares licensees shall report communicable diseases and sign birth and death certificates.

For

Argument in Favor of the Chiropractic Amendment

In 1922 the people of California voted to give Chiropractors a license to practice, and since that time no change has been made in this law. Times and conditions now make it necessary that the changes asked for in this amendment be added to the present law. This can only be done by the people voting "YES" on this amendment.

The proposed changes are: increase the number of hours of study and training to equal that of other healing professions; requires the State Board of Chiropractic Examiners to approve and regulate Chiropractic Schools and Colleges so that they meet the higher educational requirements of this amendment; requires the Board of Examiners to hire inspectors to properly supervise the chiropractic profession and regulate their advertising and professional conduct; requires the secretary of the Board to devote full time to his duties.

PROHIBITS THE USE OF DRUGS OR SURGERY BY CHIROPRACTORS.

This **act** does not add as much as one penny to the tax burden of the taxpayers of California, as all moneys needed for operating this law are derived from the Chiropractic profession of California.

In the interest of higher education standards, good government and better public health, we ask your "YES" vote on this amendment.

FOR(au) Stanley M. Innes |t Past President, Affiliated Chiropractors of California

FOR(au) George E. Swanson |t President, Affiliated Chiropractors of California, Alameda-Contra Costa Unit

FOR(au) W. F. Morris |t Member, State Board of Chiropractic Examiners

Against

Argument Against Proposed Chiropractic Amendment

The present California Chiropractic **Act**, adopted by the people in 1922, provides for the legal practice of chiropractic, in connection with which the chiropractor may use "all necessary measures" incident to the practice of chiropractic. It is satisfactory to a majority of the chiropractors in California, and is generally viewed by the profession as one of the best chiropractic acts in the United States.

The proposed amendment would authorize chiropractors to practice medicine under chiropractic licensure. The proposed increase in hours of study is in subjects not designed to increase the student's knowledge of Chiropractic or his ability to practice it. The principal appeal of the proponents of the amendment is "higher education," used in this campaign to deceive the voters. The facts are that no chiropractic educator or other competent authority was consulted in the preparation of the curriculum outlined in the amendment. As a chiropractic curriculum the one proposed is absurd and was arranged secretly and in great haste by a few individuals who are utterly ignorant of educational problems and curricular evaluation.

The only difference between the present proposed amendment and the two similar measures previously defeated by the people is in the nature of the appeal for votes.

Today, the chiropractic field is divided into two groups. One group includes those chiropractors who have adequate education and training in chiropractic, and therefore, sincerely believe in its efficacy and completeness as a true science of health and who are happy to leave medical practices to those who are fully educated, trained and authorized by law to practice medicine. The other group includes a conglomerate of chiropractic licentiates whose chiropractic education is nondescript and inadequate, and who, therefore, never came to seriously believe in chiropractic principles nor in their own ability to apply them in practice. Also in this group are those whose only interest in possessing a chiropractic license is to use it as a shield behind which they hope to engage in illegal practices and escape the penalties for such violations of law.

The proposed amendment would make an adroit set-up of the necessary machinery for the board, or any member thereof, if so inclined, to establish a "pay-off racket" because of the unusual powers conferred on the board of examiners.

The proposed amendment is bad; not designed to increase chiropractic education; not designed to improve chiropractic practice and not designed to encourage honesty or efficiency in the administration of the **act**. Instead, however, the provisions of the amendment would definitely retard chiropractic education and scientific progress, would confuse the student, immediately authorize 3600 untrained persons to attempt the delivery of babies, open the door to graft, bribery and dishonesty in practice, all at the ultimate expense of the sick and afflicted.

We concur in the language of a resolution passed by the National Council of Chiropractic Educational Institutions, in annual session at Dallas, Texas, on July 26th, 1939, which characterized the amendment as an "unwise and dangerous proposal."

For the public welfare we urge the defeat of the proposed amendment to the Chiropractic Act.

Against(au) T. F. Ratledge, D.C. |t Chairman Legislative Committee California Chiropractic Association

Against(au) L. H. McLellan, D.C. |t Secretary Chiropractic League of California

Against(au) Roy G. Labachotte, D.C. |t President of Palmer Standardized Chiropractors of California

Text of

Prop.

Sufficient qualified electors of the State of California have presented to the Secretary of State a petition and request that the proposed law hereafter set forth be submitted to the people of the State of California for their approval or rejection, as provided by law. The proposed law is as follows:

(The proposed law expressly amends provisions of existing law; therefore, EXISTING PROVISIONS proposed to be DELETED are printed in STRIKE-OUT TYPE; and NEW PROVISIONS proposed to be INSERTED are printed in BLACK FACED[BOLD] TYPE.)

PROPOSED LAW

An **act** to amend the title and sections 3, 4, 5, 7, 10, 12 and 13 of that certain **act** entitled "An **act** prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the state board of chiropractic examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved by the electors at the general election on November 7, 1922; providing for the organization of the state board of chiropractic examiners and providing for its officers, duties, powers and compensation; regulating the practice and licensing of chiropractors; defining the scope of practice of licenses; fixing license and renewal fees, providing for the issuance, suspension, revocation and reinstatement of licenses; providing for the investigation and approval of chiropractic schools and colleges; requiring reports of communicable diseases; and repealing all conflicting provisions of other acts.

The people of the State of California do enact as follows:

Section 1. The title of that certain **act** entitled "An **act** prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the state board of chiropractic examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved by the electors at the general election on November 7, 1922, is hereby amended to read as follows:

~~"An **act** prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the state board of chiropractic examiners and declaring its powers and duties; providing for its organization, members, duties and powers; regulating the practice and licensing of chiropractors and defining the scope of practice thereof; providing for the investigation and approval of chiropractic schools and colleges; establishing educational requirements and other qualifications for licensees; fixing license fees; providing for the issuance, suspension, revocation and reinstatement of licenses; prescribing penalties for violation hereof, and repealing all acts and parts of act inconsistent herewith~~ **conflicting provisions of other acts."**

Section 2. Section 3 of said **act** is hereby amended to read as follows:

Sec 3. The board shall convene within thirty days after the appointment of its members, and shall organize by the election of a president, vice-president and secretary, all to be chosen from the members of the board. Thereafter elections of the officers shall occur annually at the January meeting of the board. A majority of the board shall constitute a quorum.

It shall require the affirmative vote of three members of said board to carry any motion or resolution, to adopt any rule, or to authorize the issuance of any license provided for in this **act**.

The secretary shall receive a salary to be fixed by the board in an amount not ~~exceeding one thousand dollars per annum but not per diem~~ **less than three thousand six hundred dollars per annum and not more than four thousand two hundred dollars per annum**, together with his actual and necessary traveling expenses incurred in connection with the performance of the duties of his office, and shall give bond to the state in such sum with such sureties as the board may deem proper. **He shall devote his full time to the performance of his duties as such secretary.** He shall keep a record of the proceedings of the board, which shall at all times during business hours be open to the public for inspection. He shall keep a true and accurate account of all funds received and of all expenditures incurred or authorized by the board, and on the first day of December of each year he shall file with governor a report of all receipts and disbursements and of the proceedings of the board for the preceding fiscal year.

Section 3. Section 4 of said **act** is hereby amended to read as follows:

Sec. 4. The board shall have power:

- (a) To adopt a seal, which shall be affixed to all licenses issued by the board.
- (b) To adopt from time to time such rules and regulations as the board may deem proper and necessary for the ~~performance of its work~~ **enforcement of this act**, copies of such rules and regulations to be filed with the secretary of ~~state~~ **the board** for public inspection.
- (c) To examine applicants and to issue and revoke licenses to practice chiropractic, as herein provided.
- (d) To summon witnesses and to take testimony as to matters pertaining to its duties; and each member shall have power to administer oaths and take affidavits **in connection with board matters**.
- (e) **To approve every chiropractic school or college which complies with provisions of this act and the rules of and regulations of the board. Nothing in this act shall prohibit the board from withdrawing its approval of any chiropractic school or college after such approval has been granted.**
- (f) To promulgate and adopt rules and regulations for the conduct of chiropractic schools and colleges. Each chiropractic school or college in order to obtain the approval of the board shall make application therefor to the board in writing, and shall furnish such information regarding such school or college as may be required by the board. Said schools or colleges shall at all reasonable times permit any member of the board or any representative thereof to enter upon the premises of such school or college and to inspect the facilities and records thereof.
- (g) To publish an annual directory, a copy of which shall be delivered to each licentiate without cost. Copies of said directory may be sold to other persons at one dollar per copy.
- (h) To employ an assistant secretary, inspectors, attorney, and such other clerical assistance as the board may deem necessary.
- (i) To do any and all things necessary or incidental to the exercise of the powers and duties herein granted or imposed.

Section 4. Section 5 of said **act** is hereby amended to read as follows:

Sec. 5. It shall be unlawful for any person to practice chiropractic in this state without a license so to do. ~~Any person wishing to practice chiropractic in this state shall make application to the board fifteen days prior to any meeting thereof, upon such form and in such manner as may be provided by the board. Each application must be accompanied by a license fee of twenty-five dollars and a certificate showing good moral character of the applicant. Except in the cases herein otherwise prescribed, each applicant shall be a graduate of an incorporated chiropractic school or college which teaches a course of not less than two thousand four hundred hours, extended over a period of three school terms of at least six months each, and must give satisfactory proof of having attended not less than ninety per cent of said two thousand four hundred hours, and shall present to the board at the time of making such application, a diploma from a high school, or proof, satisfactory to the board, of education equivalent in training power to a high school course.~~ **An applicant for a license hereunder must be not less than twenty-one years of age, of good moral character, and must submit satisfactory proof of graduation from a high school requiring not less than fifteen units of graduation. He must apply to said board at least fifteen days prior to any meeting thereof, upon such form and in such manner as the board may provide, and the application must be accompanied by a fee of twenty-five dollars.**

Except in cases herein otherwise provided for, an applicant **for a license to practice chiropractic must be a graduate of a chiropractic school or college approved by said board, which teaches a course of instruction of not less than four thousand hours in the subjects hereinafter enumerated in this section, extended over a period of four school terms of not less than nine months each.**

An applicant for a license hereunder must submit satisfactory proof of actual attendance during not less than ninety per cent of the hours herein prescribed.

~~The schedule of minimum educational requirements to enable any person to practice chiropractic in this state is as follows, to wit, except as herein otherwise provided:~~

Anatomy 600 hours

Histology 100 hours

Elementary chemistry and toxicology 100 hours

Physiology 200 hours

Bacteriology 100 hours

Hygiene and sanitation 100 hours

Pathology 200 hours

Diagnosis or analysis 400 hours

Chiropractic theory and practice 500 hours

Obstetrics and gynecology 100 hours

Total 2400 hours

For the purposes of this act, an academic "hour" shall be construed as a period of not less than fifty minutes. The hours of instruction and the subjects required of an applicant for a license to practice chiropractic, and the minimum of hours and courses to be taught by an approved chiropractic school or college are as follows:

Subject Hours

Dissection 150

Histology 100

Anatomy 600

Bacteriology 100

Chemistry (including 50 hours laboratory) 150

Hygiene and sanitation 100

Toxicology 50

Physiology 300

Pathology 300

Physical Diagnoses and Analysis 450

Chiropractic Theory and Practice 500

Obstetrics 200

Gynecology 100

Spinography 100

Biology 100

Physics 100

Dietetics, including Endocrinology, Biochemistry, and Food Chemistry 300

Physical Therapy and practice 300

Total 4000

Section 5. Section 7 of said **act** is hereby amended to read as follows:

Sec. 7. One form of certificate shall be issued by the board of chiropractic examiners; ~~which said certificate shall be designated "License to practice chiropractic in the State of California as taught in chiropractic schools or colleges; and, also, to use all mechanical, and hygienic and sanitary measures incident to the care of the body, but shall not authorize the practice of medicine, surgery, osteopathy, dentistry or optometry, nor the use of any drug or medicine now or hereafter included in materia medica to diagnose and treat diseases, injuries, deformities or other physical or mental conditions of human beings, without the use of drugs and without in any manner severing any of the tissues of the human body.~~

Section 6. Section 10 of said **act** is hereby amended to read as follows:

Sec. 10. ~~(a) The board shall refuse to grant, or may revoke, a license to practice chiropractic in this state, or may cause a licensee's name to be removed from all records of licensed practitioners of chiropractic in this state, upon any of the following grounds, to wit:~~

The employment of fraud or deception in applying for a license or in passing an examination as provided in this **act**; the practice of chiropractic under a false or assumed name; or the personation of another practitioner of like or different name; the conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate him for the performance of his professional duties; the advertising of any means whereby the monthly periods of women can be regulated or the menses re-established if suppressed; or the advertising, directly, indirectly or in substance, upon any card, sign, newspaper advertisement, or other written or printed sign or advertisement, that the holder of such license or any other person, company or association by which he or she is employed, or in whose service he or she is, will treat, cure, or attempt to treat or cure, any venereal disease, or will treat or cure, or attempt to treat or cure, any person afflicted with any sexual disease, for lost manhood, sexual weakness or sexual disorder or any disease of the sexual organs; or being employed by, or being in the service of any person, company or association so advertising.

Any person who is a licentiate, or who is an applicant for a license to practice chiropractic, against whom any of the foregoing grounds for revoking or refusing a license is presented to the board with a view of having the board revoke or refuse to grant a license, shall be furnished with a copy of the complaint, and shall have a hearing before the board in person or by an attorney, and witnesses may be examined by the board respecting the guilt or innocence of the accused.

The secretary on all cases of revocation shall enter on his register the fact of such revocation, and shall certify the fact of such revocation under the seal of the board to the county clerk of the counties in which the certificates of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person the following- "This certificate was revoked on the day of - " giving the day, month and year of such revocation in accordance with said certificate to him by said secretary. The record of such revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all proceedings of said board in the matter of said revocation.

(b) At any time after two years following the revocation or cancellation of a license or registration under this section, the board may, by a majority vote, reissue said license to the person affected, restoring him to, or conferring on him all the rights and privileges granted by his original license or certificate. Any person to whom such rights have been restored shall pay to the secretary the sum of twenty-five dollars upon the issuance of a new license.

(a) Said board shall refuse to grant, or may suspend or revoke a license to practice chiropractic in this state upon any of the following grounds:

First-Procuring or aiding or attempting to procure a criminal abortion.

Second-Violating or attempting to violate, directly or indirectly, or failure to comply with, any provision of this **act**.

Third-Wilfully betraying a professional secret.

Fourth-Revocation or suspension by a sister state of a license by virtue of which one is licensed to practice in that state.

Fifth-Employing, directly or indirectly, any unlicensed practitioner in the practice of chiropractic, but this provision shall not be construed to prohibit the employment of nurses or other bona fide assistants by licensees under this **act**.

Sixth-Advertising which is intended or has a tendency to deceive the public or to be harmful to public morals or safety, or the advertising of definite or fixed prices for professional services.

Seventh--Advertising of any treatment, medicine or method whereby the monthly periods of women can be regulated or the menses re-established.

Eighth--Conviction of a felony or of any offense involving moral turpitude in which case the record of such conviction shall be conclusive evidence.

Ninth--The purchase or sale, or offer to purchase or sell, the alteration of, or fraudulent use of, any chiropractic or other diploma, degree or license.

Tenth--Fraud in an application or examination for a license.

Eleventh--Practicing chiropractic under a false name or the impersonation of another chiropractor.

Twelfth--Habitual intemperance or excessive use of ardent spirits or narcotics.

Thirteenth--Advertising, directly or indirectly, in any manner, that a licensee hereunder, or any person or company connected with him, will treat or cure, or attempt to treat or cure, any venereal or sexual disease, weakness or disorder.

Fourteenth--Failure or refusal to record a license as required by this **act**.

Fifteenth--The employment of "cappers" or "steerers" or other persons in procuring chiropractic practice.

Sixteenth--Misrepresentation in connection with alleged rights or privileges to practice as a licensee under this or any other professional **act**.

(b) Before any license is suspended or revoked by said board, the licensee shall be furnished with a specification of the ground or grounds upon which suspension or revocation of his license is contemplated and after reasonable notice thereof to the licensee the board shall conduct a hearing in the matter at which time the licensee may be represented by counsel.

(c) If an application for a license is refused by said board, or if after notice and hearing a license issued is suspended or revoked, the aggrieved person may commence an action in the superior court against the board to compel the granting of the application or to cancel the **act** of the board in suspending or revoking the license, as the case may be, or for any other appropriate relief, such action to be in the nature of a proceeding in review. Every order of the board shall be final and conclusive as to questions of fact. A proceeding to review an order of the board must be filed within thirty days after the issuance of the order and tried in the county in which the board hearing was held or in any county wherein the board maintains an office.

(d) The secretary shall enter in his records the fact of such revocation or suspension, and shall certify that fact to the county clerk of the county in which the license has been recorded pursuant to Section 11 hereof. Said clerk must thereupon endorse that fact opposite the name of the licensee in his said record. The record of such revocation or suspension so made by said clerk shall be prima facie evidence of the fact thereof, and of the regularity of all proceedings of said board in the matter of said revocation or suspension.

(e) After two years from the revocation of a license said board may make an order of restoration and issue a new license upon application therefor accompanied by a fee of twenty-five dollars.

Section 7. Section 12 of said **act** is hereby amended to read as follows:

See 12. Each person practicing chiropractic within this state **licensed under this act** shall, on or before the first day of January of each year, after a license is issued to him as herein provided, pay to said board of chiropractic examiners a renewal fee of ~~two dollars~~ **not less than five dollars nor more than ten dollars, to be fixed annually by the board.** The secretary of the board shall on or before November first of each year, mail to all licensed chiropractors in this state a notice that the renewal fee will be due on or before the first day of January next following. ~~Nothing in this act shall be construed to require the receipts to be recorded in like manner in original licenses.~~ The failure, neglect or refusal of any person holding a license or certificate to practice under this ~~act in the state of California~~ to pay said annual fee of ~~two dollars~~ during the time his or her license remains in force shall, after a period of sixty days from the first day of January of each year, ipso facto, work a forfeiture of his or her license or certificate, and it shall not be restored except upon written application therefor **within a period of two years from the delinquent date** and the payment to the said board of a fee **delinquent penalty** of ten dollars, **together with all renewal fees delinquent, except provided** that such licentiate who fails, refuses or neglects to pay such annual tax within a period of sixty days after the first day of January of each year **reinstates said license or certificate within the period of two years** shall not be required to submit to an examination for the ~~reissuance~~ **reinstatement** of such certificate.

Section 8. Section 13 of said **act** is hereby amended to read as follows:

Sec. 13. Chiropractic licentiates shall observe ~~and be subject to~~ all state and municipal regulations relating to ~~all matters pertaining to the public health~~ **the reporting of communicable diseases**, and shall sign **birth and** death certificates and make **the required** reports ~~as required by law~~ **and file them** with ~~to~~ the proper authorities **as required by the law** and such reports shall be accepted by the officers of the departments to which ~~the same~~ **they are made.**

1939

SPECIAL ELECTION, NOVEMBER 7, 1939—REFERENDUM AND INITIATIVE MEASURES

SPECIAL ELECTION, NOVEMBER 7, 1939—REFERENDUM AND INITIATIVE MEASURES

Counties	1 RETIREMENT WARRANTS. Initiative Constitutional Amendment. Requires State issue weekly at least thirty \$1.00 warrants for life to electors fifty years old, neither employer nor employee, redeemable annually in cash, provided stamps sold by State advised thereon weekly; warrants receivable for all obligations due State or political subdivisions, and some due therefrom. Incorporates Sales, Use Tax Act. Enacts 3% gross income tax. Creates State bank to handle warrants; made sole depository for all public funds; requires \$20,000,000 bond issue for initial capital. Permits Administrator propose amendments, calling elections thereon. Creates Economic Board. Prohibits courts interfering with administration.		2 CHIROPRACTORS. Initiative Title and certain sections of the practice Act; provides for the Chiropractic Board shall have the time to duties and increase the powers of license; permits license to use and treat disease, disease, deformities or other physical conditions of human body; permits using drugs or covering any part of human body; specifies grounds for proceedings for suspension or revocation of license; specifies method of license fee and method of forfeited license; declares that report communicable diseases and birth and death certificate	
	Yes	No	Yes	No
Alameda	74,683	164,936	61,998	164,936
Alpine	11	145	36	145
Amador	855	2,631	703	2,631
Butte	6,351	11,474	5,068	11,474
Calaveras	1,162	2,677	810	2,677
Colusa	1,194	3,183	646	3,183
Contra Costa	14,546	23,096	12,024	23,096
Del Norte	1,036	1,292	603	1,292
El Dorado	2,015	3,833	1,587	3,833
Fresno	23,192	43,204	14,566	43,204
Gleann	1,302	3,823	1,263	3,823
Humboldt	6,579	13,403	4,578	13,403
Imperial	4,068	9,207	3,446	9,207
Inyo	598	2,224	361	2,224
Kern	17,887	29,401	11,021	29,401
Kings	3,672	8,078	2,840	8,078
Lake	1,444	2,541	1,170	2,541
Lassen	1,575	3,959	1,783	3,959
Los Angeles	448,067	801,251	374,983	801,251
Madera	3,076	4,669	1,779	4,669
Marina	4,430	15,736	3,009	15,736
Mariposa	978	1,664	819	1,664
Mendocino	4,225	6,884	2,938	6,884
Merced	6,636	9,513	3,688	9,513
Modoc	959	2,119	717	2,119
Monro	172	664	197	664
Monterey	6,999	17,590	5,789	17,590
Napa	3,761	7,955	2,863	7,955
Nevada	2,548	5,284	1,798	5,284
Orange	13,791	40,472	13,273	40,472
Placer	3,862	7,501	2,506	7,501
Plumas	1,082	2,680	887	2,680
Riverside	14,006	26,202	10,822	26,202
Sacramento	19,714	50,181	13,014	50,181
San Benito	1,448	3,189	824	3,189
San Bernardino	24,227	39,882	19,601	39,882
San Diego	41,342	74,192	32,500	74,192
San Francisco	94,697	192,563	71,399	192,563
San Joaquin	17,071	29,520	10,700	29,520
San Luis Obispo	4,937	9,940	3,683	9,940
San Mateo	12,587	33,992	9,989	33,992
Santa Barbara	5,764	20,414	12,294	20,414
Santa Clara	23,729	50,260	18,724	50,260
Santa Cruz	7,780	12,938	4,679	12,938
Shasta	4,383	9,577	3,125	9,577
Sierra	376	996	315	996
Siskiyou	2,984	7,828	2,604	7,828
Solano	5,985	12,463	4,707	12,463
Sonoma	6,189	20,089	5,425	20,089
Stanislaus	10,573	18,215	5,776	18,215
Butter	2,261	4,641	1,602	4,641
Tehama	1,575	4,451	1,179	4,451
Trinity	670	1,286	577	1,286
Tulare	12,595	23,897	9,522	23,897
Tuolumne	2,029	3,048	1,229	3,048
Ventura	7,404	18,540	7,253	18,540
Yolo	2,515	7,888	2,399	7,888
Yuba	2,395	4,116	1,547	4,116
Totals	998,204	1,938,557	801,173	1,994,754